

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEBRASKA  
2021 MAY 17 PM 12:56  
OFFICE OF THE CLERK

Andrew H. Boehm  
12230 Woolworth Ave.  
Omaha, NE 68144  
(402) 320-5375

UNITED STATES DISTRICT COURT  
DISTRICT OF NEBRASKA

ANDREW BOEHM,  
Plaintiff,

v.

PIG ART GRAPHICS LLC, a Pennsylvania  
limited liability company, and JOHN DOE, an  
unknown business entity,  
Defendants.

Case No.: 8:21cv191

**COMPLAINT**

**JURY TRIAL DEMANDED**

**RECEIVED**

MAY 17 2021

CLERK  
U.S. DISTRICT COURT

**COMPLAINT**

1. Plaintiff ANDREW BOEHM ("Plaintiff") brings this Complaint and Demand for Jury Trial against Defendant PIG ART GRAPHICS LLC ("Pig Art") and Defendant JOHN DOE ("John Doe"), to stop their illegal practice of making unauthorized calls that play prerecorded voice messages and to obtain redress.

**NATURE OF THE ACTION**

2. Defendants sell services for websites and graphic design. As a part of their marketing efforts, Defendants and their agents placed thousands of automated calls employing an artificial or prerecorded voice message to cellular and residential phones nationwide.

3. Unfortunately, Defendants did not obtain consent prior to placing these calls and, therefore, are in violation of the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227.

1 4. Congress enacted the TCPA in 1991 to restrict the use of sophisticated telemarketing  
2 equipment that could target millions of consumers *en masse*. Congress found that these calls were not  
3 only a nuisance and an invasion of privacy to consumers specifically but were also a threat to interstate  
4 commerce generally. *See* S. Rep. No. 102-178, at 2-3 (1991), as reprinted in 1991 U.S.C.C.A.N. 1968,  
5 1969-71.

6  
7 5. The TCPA targets unauthorized calls exactly like the ones alleged in this case, based on  
8 Defendants' use of technological equipment to spam consumers with its advertising on a grand scale.

9 6. By placing the call at issue, Defendants violated the privacy and statutory rights of Plaintiff.

10 7. Plaintiff therefore seeks an injunction requiring Defendants to stop its unconsented calling,  
11 as well as an award of actual and statutory fines, together with costs and reasonable attorneys' fees.

## 12 PARTIES

13 8. Plaintiff ANDREW BOEHM is a natural person and is a citizen of the District of Nebraska.

14 9. Defendant PIG ART GRAPHICS LLC ("Pig Art") is a limited liability company operating  
15 with its principal place of business in Doylestown, Pennsylvania.

16  
17 10. Pig Art's registered agent, according to the Pennsylvania Secretary of State Website, is  
18 Thomas J. Noble, 23 Forest Dr., Doylestown PA, 18901-4722.

19 11. Defendant John Doe is an unknown business entity.

## 20 JURISDICTION AND VENUE

21 12. This Court has general federal question subject matter jurisdiction under 28 U.S.C. §1331,  
22 as the action arises under the Telephone Consumer Protection Act, 47 U.S.C. §227, which is a federal  
23 statute.

24  
25 13. This Court has specific personal jurisdiction over Defendants because the illegal phone call  
26 giving rise to this lawsuit was placed into this District.

1 14. Venue is proper in this District pursuant to 28 U.S.C. §1391(b)(2) because the wrongful  
2 conduct giving rise to this case occurred substantially within this District.

3  
4 **FACTS**

5 15. Defendant Pig Art sells graphics and web design services.

6 16. To increase their sales and avoid paying for legitimate forms of advertising, Pig Art hired  
7 John Doe to repeatedly place artificial or prerecorded voice message calls to thousands or possibly tens  
8 of thousands of cellular and residential phones at once.

9 17. On November 6, 2019, Plaintiff received a phone call on his cell phone from 267-718-  
10 5400.

11 18. When Plaintiff listened to his messages expecting to hear from a real person, Defendants  
12 pulled a bait and switch by playing a prerecorded voice message.

13 19. Plaintiff heard an artificial or prerecorded voice message advertising web design services  
14 from Defendants.

15 20. The prerecorded message said to visit doylestownpro.com, a website operated by Pig Art,  
16 or call their number at 267-718-5400.

17 21. Unfortunately, Defendants failed to obtain consent from Plaintiff before bombarding his  
18 cell phone with these illegal voice recordings.

19 22. Plaintiff never consented to receive calls from Defendants. Plaintiff had no relationship  
20 with Defendants and has never requested that Defendants contact him in any manner.

21 23. Defendants' call violated Plaintiff's statutory rights.

22  
23  
24 **FIRST CAUSE OF ACTION**  
25 **Violation of 47 U.S.C. § 227**  
26 **Telephone Consumer Protection Act**

27 24. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

1       25. Defendants and/or its agent placed a telephone call to Plaintiff's cellular telephone without  
2 having his prior express written consent to do so.

3       26. Defendants' call was made for a commercial purpose.

4       27. Defendants played an artificial or prerecorded voice message to the cellular phone of  
5 Plaintiff as proscribed by 47 U.S.C. § 227(b)(1)(A)(iii).  
6

7       28. As a result of its unlawful conduct, Defendants invaded Plaintiff's personal privacy,  
8 causing him to suffer damages and, under 47 U.S.C. § 227(b)(3)(B), entitling him to recover \$500 in civil  
9 fines for each violation and an injunction requiring Defendants to stop their illegal calling campaign.

10       29. Defendants and/or its agent made the violating calls "*willfully*" and/or "*knowingly*" under  
11 47 U.S.C. § 227(b)(3)(C).

12       30. If the court finds that Defendants *willfully* and/or *knowingly* violated this subsection, the  
13 court may increase the civil fine from \$500 to \$1500 per violation under 47 U.S.C. § 227(b)(3)(C).  
14

15                   **PRAYER FOR RELIEF**

16       **WHEREFORE**, Plaintiff ANDREW BOEHM, prays for the following relief:  
17

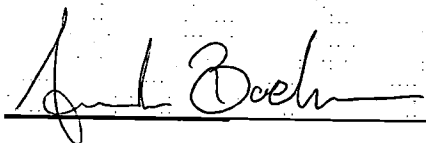
- 18       A. An order declaring that Defendants' actions, as set out above, violate the TCPA;  
19       B. An order declaring that Defendants' actions, as set out above, violate the TCPA *willfully*  
20       and *knowingly*;  
21       C. An injunction requiring Defendants to cease all unlawful calls without first obtaining the  
22       call recipients' prior express written consent to receive such calls;  
23       D. An award of actual damages and/or statutory fines and penalties;  
24       E. An award of reasonable attorneys' fees (if incurred) and costs; and  
25       F. Such other and further relief that the Court deems reasonable and just.  
26  
27  
28

**JURY DEMAND**

Plaintiff requests a trial by jury of all claims that can be so tried.

Dated: May 7, 2021

Respectfully submitted,

By: 

ANDREW BOEHM

*Pro Se Plaintiff*

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

Andrew H. Boehm

(b) County of Residence of First Listed Plaintiff Douglas County  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Andrew Boehm, pro se

## DEFENDANTS

PIG ART GRAPHICS LLC

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT		TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act	
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))	
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 400 State Reapportionment	
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 410 Antitrust	
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 430 Banks and Banking	
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 450 Commerce	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability			<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)	
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice			<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input checked="" type="checkbox"/> 485 Telephone Consumer Protection Act	
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 490 Cable/Sat. TV	
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange	
					<input type="checkbox"/> 890 Other Statutory Actions	
					<input type="checkbox"/> 891 Agricultural Acts	
					<input type="checkbox"/> 893 Environmental Matters	
					<input type="checkbox"/> 895 Freedom of Information Act	
					<input type="checkbox"/> 896 Arbitration	
					<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision	
					<input type="checkbox"/> 950 Constitutionality of State Statutes	

Click here for: [Nature of Suit Code Descriptions](#)

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
47 U.S. Code § 227

Brief description of cause:  
Call in violation of the TCPA

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

## DEMAND \$

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☐ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE 5-7-2021 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE



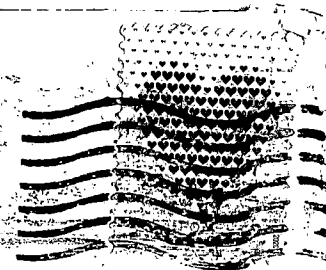
**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44****Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action: Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

Andrew Boehm  
12230 Woolworth Ave  
Omaha, NE 68144



The Clerk @ Roman L. Hruska Fed Courthouse  
111 S. 18<sup>th</sup> plaza  
Suite 1152  
Omaha, NE 68102

**RECEIVED**

MAY 17 2021

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5810231322 C016

